123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS HEARING OFFICER (March 13, 2012 Meeting)

STAFF REPORT

Docket No. / Project Title: B/CU-12-03 (Todd Franke)

Staff: Derek Naber **Hearing Officer:** Melissa Begley

Applicant: Todd Franke **Property Size:** 2.18 Acres

Zoning: CC (Commercial: Community Center)

Location: 3240 South US 31, in Columbus Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow a contractor's office in the CC-Commercial: Community Center zoning district.

Preliminary Hearing Officer Decision:

Approval.

Zoning District Intent:

The intent of the CC- Commercial: Community Center zoning district is as follows: To establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

In the jurisdiction of Bartholomew County, this district is intended for use only in coordination with concentrations of other comparatively high density development where services can efficiently be provided.

Current Property Information:		
Land Use:	Auto-Oriented (Medium Scale) – Auto Repair Shop	
Site Features:	The site features a commercial building, gravel parking area, and an accessory garage / storage building.	
Flood Hazards:	The property is contained in the floodway and 100-year floodway fringe.	

erty gains access from US 31 (State Road (Arterial)).	Vehicle Access:
---	-----------------

Surrounding Zoning and Land Use:			
	Zoning:	Land Use:	
North:	AP (Agriculture: Preferred)	Agriculture Supply Facility	
South:	CC (Commercial: Community Center)	Auto-Repair Shop	
East:	AP (Agriculture: Preferred)	Manufactured Home Park	
West:	AP (Agriculture: Preferred)	Farmland	

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. Todd Franke is proposing to change the use of the property from an auto-repair shop into a contractor's office for a plumbing business at 3240 South US 31, in Columbus Township. The applicant is proposing to reuse the existing buildings on the property. The main building which is approximately 3900 square feet would require the contractor's office to provide 12 on-site parking spaces at this location. The existing gravel parking lot provides enough parking area to meet the onsite parking requirements. The applicant has also stated that he plans to store all of the company materials and equipment within the existing storage building and primary structure. The business hours for the company would be from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- 2. According to the Zoning Ordinance, a contractor's office is a facility where a contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor. The storage of construction and equipment for the business sets this use apart from a typical office use. The applicant's commitment to storing these items in indoor storage would be more consistent with commercial uses.
- 3. The surrounding context is near the intersection of two state road arterials (SR 7 and US 31). The surrounding businesses in the area feature auto-oriented uses including gas stations and repair shops as well as an auto salvaging business.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as development.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application: **Goal 18:** Promote economic growth in the county by encouraging the location and expansion of businesses and industries that are compatible with their surroundings and provided with adequate services.

Provisional Findings of Fact/Decision Criteria

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

1. The proposal will not be injurious to the public health, safety, and general welfare of the community.

Provisional Findings: The proposed contractor's office would not store any hazardous materials or unsightly items on the property. All materials and equipment would be stored within the existing buildings. *This criterion has been met.*

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

Provisional Findings: The applicant is proposing to reuse the existing structures and store all materials and equipment within existing on-site structures. The appearance of the property would represent that of a typical office use. The proposed contractor's office would be fitting within a commercial zoning district at this location. This criterion has been met.

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

Provisional Findings: The contractor's office proposes non-excessive business hours and indoor storage of their materials and equipment. The contractor's office would fit within the surrounding context which features many auto-oriented uses. *This criterion has been met*.

4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: The Comprehensive Plan recommends that businesses which are compatible to their surroundings. The contractor's office is located amongst auto-oriented businesses near the SR 7 and US 31 intersection. The proposed use would not be out of context with the surrounding area. *This criterion has been met*.

Hearing Officer Options:

In reviewing a request for <u>conditional use</u> the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.